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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2008-351

13 ATOUSA CHANEL LITTLE
5669 Snell Avenue, #262
14 San Jose, California 95123
Registered Nurse License No. 552172

A C C U S A T I O N

15 Respondent.

16 Complainant alleges:

17 PARTIES

18 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
19 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
20 Department of Consumer Affairs.

21 2. On or about February 18, 1999, the Board of Registered Nursing issued
22 Registered Nurse License Number 552172 to Atousa Chanel Little (Respondent). The
23 Registered Nurse License was in full force and effect at all times relevant to the charges brought
24 herein and will expire on November 30, 2008, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board of Registered Nursing
27 (Board), Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 of the Code states, in pertinent part, that "[t]he board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct

. . .

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

. . . .

7. Section 2762 of the Code states, in pertinent part, that "[i]n addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist, administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

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1 "(b) Use any controlled substance as defined in Division 10 (commencing with
2 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
3 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
4 injurious to himself or herself, any other person, or the public or to the extent that such use
5 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
6 license.

7 "(c) Be convicted of a criminal offense involving the prescription, consumption,
8 or self-administration of any of the substances described in subdivisions (a) and (b) of this
9 section, or the possession of, or falsification of a record pertaining to, the substances described in
10 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
11 thereof.

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13 8. Section 490 of the Code states, in pertinent part, that "[a] board may
14 suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the
15 crime is substantially related to the qualifications, functions, or duties of the business or
16 profession for which the license was issued. A conviction within the meaning of this section
17 means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action
18 which a board is permitted to take following the establishment of a conviction may be taken
19 when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal,
20 or when an order granting probation is made suspending the imposition of sentence, irrespective
21 of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

22 9. Section 125.3 of the Code provides, in pertinent part, that the Board may
23 request the administrative law judge to direct a licensee found to have committed a violation or
24 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
25 and enforcement of the case.

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1 DRUGS

2 10. "Methamphetamine" is a Schedule II controlled substance as designated
3 by Health and Safety Code section 11055(d)(2) and a dangerous drug as designated by Business
4 and Professions Code section 4022. It is a stimulant drug.

5 FIRST CAUSE FOR DISCIPLINARY ACTION

6 (Obtaining and Possessing a Controlled Substance or Dangerous Drug)

7 11. Respondent is subject to disciplinary action under section 2761(a) of the
8 Code on the grounds of unprofessional conduct as defined by section 2762(a) of the Code, in that
9 Respondent unlawfully obtained and possessed a controlled substance or dangerous drug, to wit,
10 Methamphetamine. The factual circumstances are as follows:

11 a. On or about June 2, 2006, in San Jose, California, an employee of
12 the San Jose Bar and Grill reported a domestic dispute, which involved Respondent and a male
13 subject. Once San Jose Police Officer Okuma responded to the call, he found Respondent to be
14 under the influence of alcohol, incoherent, and leaning on the front fender of a San Jose Police
15 Department patrol car. When asked by Police Officer Okuma what her name was, Respondent
16 did not answer, and when asked what had happened, Respondent mumbled something incoherent.
17 After Respondent was arrested for being drunk in public, a search of her purse revealed a plastic
18 baggie, which containing Methamphetamine, a controlled substance.

19 SECOND CAUSE FOR DISCIPLINARY ACTION

20 (Using a Controlled Substance to an Injurious Extent)

21 12. The allegations of Paragraph 11 are herein realleged and incorporated by
22 reference as though fully set forth.

23 13. Respondent is subject to disciplinary action under Code section 2761(a) on
24 the grounds of unprofessional conduct as defined in Code section 2762(b), in that on or about
25 June 2, 2006, in San Jose, California, Respondent used and was under the influence of an
26 alcoholic beverage, and to an extent dangerous or injurious to herself or the public, as set forth in
27 Paragraph 11 above.

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1 FIFTH CAUSE FOR DISCIPLINARY ACTION

2 (Substantially Related Conviction)

3 16. Respondent is subject to disciplinary action under sections 2761(f) and 490
4 of the Code in that she was convicted of a crime substantially related to the qualifications,
5 functions or duties of a registered nurse in that on or about June 1, 2005, in the Superior Court of
6 California, County of Santa Clara, Case Number CC473666, entitled *The People of the State of*
7 *California v. Atousa Chanel Little*, Respondent was convicted by the court on her plea of nolo
8 contendere of violating section 23103(a) of the Vehicle Code (reckless driving), a misdemeanor.
9 Pursuant to said conviction, the imposition of sentence was suspended and Respondent was
10 placed on Formal Probation for three years upon terms and conditions, which included, but were
11 not limited to, performing eighty (80) hours of volunteer work as directed by Sentencing
12 Alternatives Program, Inc., (SAP), enrolling in SAP Anger Management program by June 10,
13 2008. The factual circumstances surrounding the conviction are as follows:

14 a. On or about October 16, 2004, in San Jose, California, Respondent was
15 driving her Black Ford Explorer recklessly by swerving all over the road. After two San Jose
16 Police Officers contacted Respondent at her house, she was extremely agitated, was ranting on
17 and on, and verbally attacking the officers. During this encounter, Respondent told San Jose
18 Police Officer T. Bowers that she was a registered nurse, that she did not respect him and that he
19 should hope that he does not show up in her "ER" room all cut up and bleeding because he might
20 not get the care he needs if she were working.

21 SIXTH CAUSE FOR DISCIPLINARY ACTION

22 (Substantially Related Conviction)

23 17. Respondent is subject to disciplinary action under sections 2761(f) and 490
24 of the Code in that she was convicted of a crime substantially related to the qualifications,
25 functions or duties of a registered nurse in that on or about October 25, 2000, in the Superior
26 Court of California, County of San Mateo, Case Number SM307704A, entitled *The People of the*
27 *State of California v. Atousa Chanel Little*, Respondent was convicted by the court on her plea of
28 nolo contendere of violating section 415(3) of the Penal Code (fighting; noise; offensive words), a

1 misdemeanor. Pursuant to said conviction, the imposition of sentence was suspended and
2 Respondent was placed on supervised probation for 18 months upon terms and conditions, which
3 included, but were not limited to, abstaining from the use or possession of alcoholic beverages;
4 submitting to alcohol use test whenever directed by probation officer and/or peace officer; not
5 having possession, custody or control of any weapon, firearm, or ammunition; and completing at
6 least 104 hours of domestic violence counseling within 12 months.

7 18. The factual circumstances of said conviction are that on or about August 1,
8 2000, at her residence in San Carlos, California, Respondent, after angrily cutting up two credit
9 cards belonging to her husband, M. L.,¹ held a large butcher knife to her throat, feigning an
10 attempt to harm herself. After continuing to argue with M. L., Respondent suddenly threw the
11 knife at him, whereupon M. L. jumped to the side to avoid being hit by the knife. The knife
12 landed on the floor, several inches from his feet.

13 SEVENTH CAUSE FOR DISCIPLINARY ACTION

14 (Conviction Involving Alcohol Consumption)

15 19. The allegations of Paragraph 14 are herein realleged and incorporated by
16 reference as though fully set forth.

17 20. Respondent is subject to disciplinary action under Code section 2761(a) on
18 the grounds of unprofessional conduct as defined in Code section 2762(c), in that on or about May
19 16, 2007, Respondent was convicted of a criminal offense involving the consumption of alcoholic
20 beverages, as alleged in Paragraph 14 above.

21 PRAYER

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein
23 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

24 a. Revoking or suspending Registered Nurse License Number 552172, issued
25 to Atousa Chanel Little;

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28 1. The victim will be referred to by initials only in order to preserve confidentiality.

1 b. Ordering Atousa Chanel Little to pay the Board of Registered Nursing the
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
3 Professions Code section 125.3;

4 c. Taking such other and further action as deemed necessary and proper.

5 DATED: June 17, 2008

6 Carol S. Romeo

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8 for:

RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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